

AN ORDINANCE DETERMINING
THAT A NEW FIRE STATION
IS NEEDED TO SERVE THE
NORTHEAST ANNEXATION
TERRITORY.

WHEREAS, the City of Fort Wayne has previously
annexed territory known as the Northeast Annexation Area;

WHEREAS, at the time of the passage of the
ordinance approving said annexation, the Common Council
adopted a Fiscal Plan which called for the construction
of a new St. Joseph Township fire station to serve
portions of said territory;

WHEREAS, the City has received petitions signed
by 290 City taxpayers requesting that the said new St.
Joseph Township fire station be built;

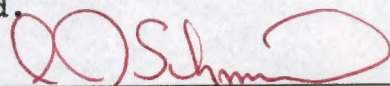
WHEREAS, it is in the best interest of the City
to obtain said fire station through a lease-purchase
governed by I.C. 36-1-10;

WHEREAS, I.C. 36-1-10-7 requires that the
Common Council, after investigation, determine that any
proposed structure to be leased is needed;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

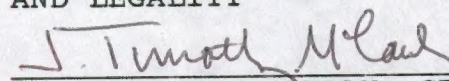
SECTION 1. Upon investigation, the Fort wayne
Common Council determines that a new St. Joseph Township
fire station is needed and directs that the appropriate
steps required by I.C. 36-1-10 be taken to lease such a
structure.

SECTION 2. That this Ordinance shall be in
full force and effect from and after its passage and any
and all necessary approval by the Mayor and once passed
and approved may not be repealed.



Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Belmont, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on Tuesday, the 23rd, day of March, 19 93, at 7:50 o'clock P. M., E.S.T.

DATED: 3-9-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Belmont, seconded by _____, and duly adopted, placed on its passage. PASSED ~~Lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY				<u>✓</u>
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 3-23-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. S-22-93 on the 23rd day of March, 19 93

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of March, 19 93, at the hour of 11:20 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of March, 19 93, at the hour of 3:00 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF CITY COUNCIL

FROM: J. TIMOTHY MCCAULAY, CORPORATION COUNSEL *J*

DATE: March 8, 1993

SUBJECT: ST. JOSEPH FIRE STATION LEASE *S-93-03-03*

As part of the fiscal plan for the Northeast Annexation, the City obligated itself to construct a new fire station to serve portions of Phases III and IV of said annexation. Phase III of the annexation becomes effective December 31, 1994. Therefore, the fire station needs to be constructed and operational by that date.

The City Administration believes the best way to meet this fiscal plan obligation is through a lease-purchase under I.C. 36-1-10 (attached is an outline of the steps to be taken under state law in connection with such a procedure).

I.C. 36-1-10-7 requires, as a first step, that the governmental entity receive petitions signed by fifty (50) or more taxpayers calling for the structure. The City has received petitions requesting the construction of a new St. Joseph fire station and the Allen County Auditor has certified that 270 of the signatures on the petition are those of City taxpayers.

As a result of the receipt of the petition, it is now required that the Common Council, after investigation, determine that a need exists for the new St. Joseph Fire Station.

I.C. 36-1-10 LEASE
PROCEDURES AND OPTIONS

I. APPLICATION: I.C. 36-1-10 applies to "structures" to be acquired by lease or lease-purchase. "Structure" means a building used in connection with the operation of a political subdivision.

II. OPTIONS: EITHER LEASE, OR LEASE/PURCHASE PERMITTED

a. Lease/No Option to Purchase (I.C. 36-1-10-5)

1. 10 yr. maximum, unless longer term approved by State Board of Tax Commissioners
2. Lease Terms must include reference that lease is subject to annual appropriation by the Common Council
3. Lease must be on file and kept in place available for public inspection

b. Lease/Option to Purchase

1. 50 year maximum period (I.C. 36-1-10-6)
2. Terms and conditions of purchase must be specified in lease (I.C. 36-1-10-9)
3. Upon expiration of lease and full performance, the property becomes property of City even if option not exercised (I.C. 36-1-10-9)

III. PRELIMINARY REQUIREMENTS (I.C. 36-1-10-7):

- Need:
- a. Petition signed by fifty (50) ore more City taxpayers
 - b. Common Council, after investigation, determines the structure is needed

IV. PLANS AND SPECIFICATIONS (I.C. 36-1-10-10):

- a. Plans, specifications and estimates must be submitted to City by Lessor prior to executing lease
- b. City must submit plans and specifications to state building commissioner and other applicable agencies

V. TITLE TO LAND (I.C. 36-1-10-11):

- a. Lessor must hold title in fee simple
- b. City can sell land or structure to proposed lessor without compliance with other laws relating to such sales provided:
 - 1. 2 appraisers appointed
 - 2. Sale for not less than appraised value nor less than purchase price if purchased during three years prior to appointment of appraisers
 - 3. Cash sale

VI. STRUCTURE TO BE COMPLETED AND READY FOR OCCUPANCY BEFORE RENTAL PAYMENTS BEGIN (I.C. 36-1-10-12)

City may enter into contract to lease structure not yet constructed. However, no rental payments can be made until structure complete and ready for occupancy.

VII. LESSOR'S BOND: Optional (I.C. 36-1-10-12)

VIII. NOTICE AND HEARING: (I.C. 36-1-10-13)

- a. Agreement on terms and conditions on lease
- b. Notice of public hearing on lease terms and conditions at least 10 days before hearing
- c. Lessor pays cost of lease
- d. Contents of notice
 - 1. Date, place, hour of hearing
 - 2. Summary of the principal terms of the lease
 - 3. Name of proposed lessor
 - 4. Location and character of structure
 - 5. Rental to be paid

6. Length of lease

- e. Proposed lease and the drawings, plans, specifications and estimates for the structure must be available for public inspection during the 10 day period and at the hearing
- f. Issues at hearing:
 - 1. Whether execution of lease is necessary
 - 2. Whether rental is fair and reasonable
- g. After hearing, the lease may be modified, confirmed or rescinded. However, the rental payments may not be increased from those advertised.
- h. After execution, notice of execution must be published (1 time within 30 days after execution - I.C. 5-3-1-2(h)).

IX. DISAGREEMENT WITH EXECUTION OF LEASE (I.C. 36-1-10-14)

- a. 10 or more taxpayers may object
- b. Petition filed with Auditor
- c. Within 30 days after publication
- d. Petition must state objection and reasons why lease is unnecessary or unwise

X. STATE BOARD OF TAX COMMISSIONERS REVIEW (I.C. 36-1-10-14):

- a. Auditor certifies objectors' petition to State Board of Tax Commissioners
- b. Local hearing held 5-30 days after receipt by State Board of Tax Commissioners of certified objections
- c. State Board gives notice of hearing
- d. State Board decision final

XI. TAX STATUS (I.C. 36-1-10-18):

- a. Structure exempt from all state, county and other

taxes

- b. Rental payments subject to taxation

XII. LEASE PURCHASE LIMITATION (I.C. 36-1-10-20)

- a. \$2,000,000 cap in total lease payments obligated by a lease or lease-purchase agreement, including any purchase price
- b. Otherwise, subject to petition and remonstrance provisions applicable to issuance of bonds under I.C. 6-1.1-20-3 and I.C. 6-1.1-20-4. (Lease could be defeated if more petitioners signed the remonstrance petition than signed the original petition. If so, a one year moratorium imposed.)

DIGEST SHEET

TITLE OF ORDINANCE SPECIAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC SAFETY

SYNOPSIS OF ORDINANCE APPROVES THE LEASE-PURCHASE FOR THE
CONSTRUCTION OF A NEW ST. JOSEPH TOWNSHIP FIRE STATION TO SERVE THE
NORTHEAST ANNEXATION TERRITORY.

EFFECT OF PASSAGE APPROVES THE CONSTRUCTION OF A NEW ST. JOSEPH
TOWNSHIP FIRE STATION TO SERVE THE NORTHEAST ANNEXATION TERRITORY.

EFFECT OF NON-PASSAGE FIRE STATION CANNOT BE BUILT.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. S-93-03-03

REPORT OF THE COMMITTEE ON
FINANCE

ARCHIE L. LUNSEY & DONALD J. SCHMIDT - CO-CHAIRPERSONS
HENRY, EDMONDS, LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) DETERMINING THAT A
NEW FIRE STATION IS NEEDED TO SERVE THE NORTHEAST ANNEXATION
TERRITORY

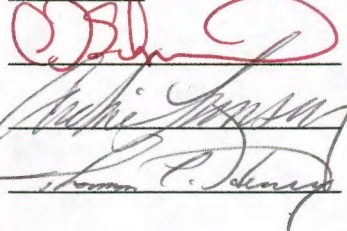
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC


Archie L. Lunsey
Donald J. Schmidt

DATED: 3-23-93

Sandra E. Kennedy
City Clerk